



March 6, 2019

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: Notice of *Ex Parte* Communication, MB Docket Nos. 18-349, 16-306; GN Docket No. 12-268; WTB Docket No. 18-122

Dear Ms. Dortch:

On March 4, President and CEO Gordon Smith and the undersigned of the National Association of Broadcasters met with Commissioner Geoffrey Starks and his acting legal advisor for media and consumer protection, Michael Scurato, to discuss a number of policy issues affecting our nation's radio and television broadcasters.

NAB complimented the Commission on its willingness to work with broadcasters to ensure a successful repack following the broadcast TV incentive auction. We noted that the staff has been thoroughly engaged with industry to help identify and address any issues that arise. We encouraged the Commission to remain flexible, as broadcasters anticipate additional delays due to any number of factors well beyond broadcasters' control.

We also emphasized the intense competition for audiences and advertisers that broadcasters face from many sources. Notably, a great deal of the competition broadcasters currently face did not even exist when many of the rules regulating broadcasters were written. As a result, broadcasters must compete against behemoths such as AT&T/DirecTV, Google, Facebook, YouTube, Netflix, Amazon, Charter and the combined SiriusXM/Pandora, while being regulated far more heavily than any of these competitors. NAB explained that broadcasters can only accomplish their central mission – to serve the public – if they have the wherewithal to do so. If the Commission retains antiquated rules that unfairly constrain broadcasters – whether it be rules governing ownership, children's TV programming, various reporting requirements, or otherwise – it will be difficult, if not impossible, for broadcasters to continue providing the same level of local and national public service they do today.

To accomplish something approaching much-needed regulatory parity for the radio industry, the Commission should adopt NAB's proposal for reforming the local radio ownership rules. Last summer, NAB laid out its vision for radio reform, which recognizes that local radio

1771 N Street NW
Washington DC 20036 2800
Phone 202 429 5300
www.nab.org

stations, especially those in small and medium markets and AM stations in markets of all sizes, need relief from the Commission's outdated ownership rules in order to provide the best overall service to the American public.¹ The Commission's failure to modernize its newspaper-broadcast cross-ownership rule until just recently contributed to the decline of American newspapers. It is imperative that the Commission does not continue to let politics get in the way of smart policy, and instead it should modernize the radio and television ownership rules to not only allow broadcasters to survive, but also thrive.

NAB discussed the importance of the C-band to the broadcast radio and television industries. We noted that broadcasters do not want to stand in the way of *some* reallocation of the 3.7-4.2 GHz band, but the Commission should not do anything to harm the important service satellite carriers provide to broadcasters – and, in turn, to consumers – through this spectrum. It is critical that the Commission does not become overzealous in pursuit of a slogan-heavy goal. Instead, the Commission should proceed thoughtfully, recognizing the value of the C-band to current users and consumers. Specifically, broadcasters must not be harmed in any reallocation, and must have recourse at the Commission should any piece of a future transition go awry.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Rick Kaplan", with a long horizontal line extending to the right.

Rick Kaplan
General Counsel and Executive Vice President
Legal and Regulatory Affairs

cc: Commissioner Starks, Michael Scurato

¹ See *2018 Quadrennial Regulatory Review*, Notice of Proposed Rulemaking, MB Docket No. 18-349, at para. 13 (rel. Dec. 13, 2018) (seeking comment on NAB's radio ownership proposal).